

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.V. ASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WA.No. 692 of 2015 () IN WP(C).13011/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 13011/2012 of HIGH COURT OF KERALA
DATED 10-11-2014

APPELLANT(S)/RESPONDENTS 1 & 4 :

1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE (PRC C), GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.
2. THE SECRETARY, (FINANCE EXPENDITURE) TO GOVERNMENT,
FINANCE (ARC B) DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY SPL GOVERNMENT PLEADER SRI.P.V.LONACHAN

RESPONDENT(S)/PETITIONER & RESPONDENTS 2 & 3:

1. SELMATH, SECTION OFFICER (FC&D) ACADEMIC SECTION,
KERALA AGRICULTURE UNIVERSITY, HEADQUARTERS,
VELLANIKKARA, THRISSUR DISTRICT.
2. SMT.SUDHA T., SECTION OFFICER (FC&D) ENGINEERING SUB
DIVISION, KERALA AGRICULTURE UNIVERSITY, MANNUTHY,
THRISSUR DISTRICT.
3. SMT.SREEMATHIKUMAR P., SECTION OFFICER (FC&D)
ACADEMIC SECTION, KERALA AGRICULTURE UNIVERSITY,
HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
4. SMT.RAJANI M.A., OFFICE SUPERINTENDENT, KERALA
AGRICULTURE UNIVERSITY, HEADQUARTERS, VELLANIKKARA,
THRISSUR DISTRICT.
5. SMT.SAJANY M.K., OFFICE SUPERINTENDENT FAIR COPY SECTION,
KERALA AGRICULTURE UNIVERSITY, HEADQUARTERS,
VELLANIKKARA, THRISSUR DISTRICT.
6. SMT.LALITHA V., OFFICE SUPERINTENDENT, FAIR COPY SECTION,
KERALA AGRICULTURE UNIVERSITY, HEADQUARTERS,
VELLANIKKARA, THRISSUR DISTRICT.
7. SMT.REMANY P., SELECTION GRADE TYPIST, FAIR COPY SECTION,
KERALA AGRICULTURE UNIVERSITY, HEADQUARTERS,
VELLANIKKARA, THRISSUR DISTRICT.

8. SMT.LEENA T.J., OFFICE SUPERINTENDENT, FAIR COPY SECTION, KERALA AGRICULTURE UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
9. SMT.AMBUJAM M.R., SELECTION GRADE TYPIST, DIRECTORATE OF PHYSICAL PLANT, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
10. SMT.P.K.BABITHA, SELECTION GRADE TYPIST, ACADEMIC WING KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
11. SHRI.ANOOP A.K., SENIOR GRADE TYPIST, FAIR COPY SECTION, COLLEGE OF HORTICULTURE, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
12. SRI.SABARISH V., SELECTION GRADE TYPIST, FAIR COPY SECTION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
13. SRI.RAJESH T.S., STENO TO VICE CHANCELLOR, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
14. SRI.JOSEPH K.V., SENIOR GRADE TYPIST, FAIR COPY SECTION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
15. SRI.RAMACHANDRAN A., SENIOR GRADE TYPIST, FAIR COPY SECTION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
16. SRI.RAJAN A., SENIOR GRADE TYPIST, DIRECTORATE OF RESEARCH, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
17. SRI.VIJOY THOMAS K.F., SENIOR GRADE TYPIST, ACADEMIC WING KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
18. SRI.VINOD XAVIOR, SENIOR GRADE TYPIST, DIRECTORATE OF RESEARCH, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
19. SMT.SUJATHA P., SENIOR GRADE TYPIST, FAIR COPY SECTION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
20. SMT.PRETHIMOL P.G., SENIOR GRADE TYPIST, FAIR COPY SECTION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
21. SMT.BABY T.D., SENIOR GRADE TYPIST, DIRECTORATE OF RESEARCH, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
22. SMT.SHEENA K., SENIOR GRADE TYPIST, DIRECTORATE OF PHYSICAL PLANT, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.

23. SRI.KRISHNANKUTTY T.S., SELECTION GRADE TYPIST, ELECTRICAL SUB DIVISION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
24. SMT.SOBHANA V.V., SENIOR GRADE TYPIST, ELECTRICAL SUBMIT DIVISION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
25. SMT.SAREENA Z., OFFICE SUPERINTENDENT, ACADEMIC WING, COLLEGE OF HORTICULTURE, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
26. SMT.SANTEETHA V.S., SENIOR GRADE TYPIST, OLERICULTURE DEPARTMENT, COLLEGE OF HORTICULTURE, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
27. SMT.GAYATHRI P.K., OFFICE SUPERINTENDENT, CENTRAL LIBRARY, KERALA AGRICULTURE UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
28. SMT.MALLIKA P.K., SENIOR GRADE TYPIST, MECHANICAL SUB DIVISION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
29. SRI.JOSHY B., OFFICE SUPERINTENDENT, KAU PRESS, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
30. SMT.FATHIMA BEEVI S., OFFICE SUPERINTENDENT, ACADEMIC WING, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
31. SMT.MINITHA M.K., SENIOR GRADE TYPIST, AGRONOMIC RESEARCH STATION, KERALA AGRICULTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
32. THE KERALA AGRICULTURAL UNIVERSITY REPRESENTED BY THE REGISTRAR, KERALA AGIRUCLTURAL UNIVERSITY, HEADQUARTERS, VELLANIKKARA, THRISSUR DISTRICT.
33. THE VICE CHANCELLOR, KERALA AGIRCULTURAL UNIVERSITY CAMPUS, KERALA AGRICULTURAL UNIVERSITY P.O., THRISSUR DISTRICT.

R BY SRI.S.M.PRASANTH
R BY SRI.K.RAMAKUMAR (SR.)
R32, 33 BY SRI.BABU JOSEPH KURUVATHAZHA,SC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08-12-2015, ALONG WITH W.A.787/15 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

W.A.Nos.692, 787, 1357,
1462, 1467, 1476, 1494, 1572, 1573,
1676, 1900 & 1958 of 2015

and
W.P(C).Nos.26308 & 29344 of 2015

Dated this the 8th day of December, 2015

JUDGMENT

Antony Dominic, J.

1.As far as the captioned writ appeals are concerned, the issue canvassed is covered by the judgment of this Court in W.A.1826/15, whereby, this Court has confirmed the judgment of the learned single in W.P (C).9276/13, where the issue relating to the appointment of Pool Officer in the Kerala University was considered. In the said judgment, this Court took the view that in respect of the posts which are covered by the Kerala University First Ordinances, 1978, in the absence of any amendment to the Ordinances, the posts in question cannot be abolished on the basis of the recommendations of the 9th Pay Commission.

2.In so far as these appeals are concerned, the main issue is exactly similar and therefore, in respect of the posts which are covered by the concerned

statutes/Ordinances/Syndicate decisions of the University, its abolition can only be based on amendment to the statutes/Ordinances/Syndicate decisions. However, it is made clear that this reasoning will not be applicable to posts which are outside the said Statutes/Ordinances/Syndicate decisions.

3. With the aforesaid clarification, these writ appeals are disposed as covered by the judgment in W.A.1826/15.

4. In so far as W.P(C).26308/15 is concerned, it is stated that by Ext.P9 order therein, acting upon the Government Order dated 26.2.2011 accepting the 9th Pay Commission report, the petitioner was reverted as Higher Grade Office Superintendent from the post of Section Officer. Similarly, by Ext.P9 in W.P(C).29344/15, the petitioner therein, after his retirement from service, was reverted from the post of Section Officer to Higher Grade Office Superintendent. In the light of the judgment rendered today in W.A.1826/15, these orders will

stand set aside. It is made clear that the respective petitioners shall be entitled to continue in the promoted post and would also be entitled to all consequential benefits.

The writ petitions are disposed of as above.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
P.V.ASHA, Judge.

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PS to Judge